



Child Welfare Information Gateway

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STATE
STATUTES
SERIES

*Current Through
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State Regulation of Adoption Expenses: Summary of State Laws

Nearly all States,¹ the District of Columbia, and the U.S. territories have enacted statutes that provide some regulation of the fees and expenses that adoptive parents are expected to pay when arranging an adoptive placement. Some of the fees and expenses that are typically addressed in the statutes are placement costs, such as agency fees; legal and attorney expenses for adoptive and birth parents; and some of the expenses of the birth mother during pregnancy.

¹ Hawaii, Rhode Island, Wyoming, and the Virgin Islands do not currently address the issue of adoption expenses in statute.

Electronic copies of this publication may be downloaded at www.childwelfare.gov/systemwide/laws_policies/statutes/expenses.cfm

To find statute information for a particular State, go to www.childwelfare.gov/systemwide/laws_policies/search/index.cfm

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download it at www.childwelfare.gov/systemwide/laws_policies/statutes/expensesall.pdf

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Birth Parent Expenses

Approximately² 45 States,³ American Samoa, and the Northern Mariana Islands have statutes that specify the type of birth parent expenses a prospective adoptive family is allowed to pay. The actual dollar amount is usually limited by the standard of “reasonable and customary.”

The types of expenses most commonly allowed by statute include:

- Maternity-related medical and hospital costs
- Temporary living expenses of the mother during pregnancy
- Counseling fees
- Attorney and legal fees; guardian *ad litem* fees
- Travel costs, meals, and lodging when necessary for court appearances or accessing services
- Foster care for the child, when necessary

Approximately eight⁴ States specify expenses that the adoptive parent is not permitted to pay. Certain costs such as educational expenses, vehicles, vacations, permanent housing, or any other payment for the monetary gain of the birth parent often are excluded.

Approximately 17 States⁵ specify that payments for the birth mother’s living expenses or psychological counseling may not extend beyond a set time period, which can range from as little as 30 days to as long as 6 weeks after the child’s birth.

In a few States, the payment of expenses may not exceed a set dollar amount,⁶ unless the court grants an exception. Iowa allows postplacement counseling for 60 days but limits payment of living expenses to 30 days. New York limits payment of living

² The word *approximately* is used to stress the fact that statutes are constantly being revised and updated. The information in this publication is current through January 2005.

³ Hawaii, Massachusetts, Nebraska, Rhode Island, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands do not currently address the issue of birth parent expenses in statute.

⁴ Illinois, Kentucky, Michigan, Minnesota, Montana, New Hampshire, North Dakota, and Wisconsin

⁵ Florida, Idaho, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Tennessee, and Vermont

⁶ Arizona (\$1,000), Connecticut (\$1,500), Idaho (\$2,000), Indiana (\$3,000), and Wisconsin (\$1,000)

expenses to 60 days prior to the child's birth and 30 days after. Oklahoma allows payments for postplacement counseling for up to 6 months but limits other expenses to 2 months beyond placement.

In other States, the statutes do not specify the types of expenses that are not allowed but do include language indicating that any expense not expressly permitted by law⁷ or considered by the court to be unreasonable⁸ cannot be paid by the adoptive parents.

Idaho, in addition to its other restrictions, is the only State that requires reimbursement of expenses to prospective adoptive parents should the birth parent decide not to place the child for adoption.

Agency Fees and Costs

The fees charged by agencies and the extent to which they are regulated by State authorities vary from State to State. The fees are ordinarily determined by administrative rules, regulations, and standards—not by statute—and are subject to court approval.

Approximately five States⁹ specify a dollar amount for agency fees or specific services that agencies provide. In most States, the statutes simply authorize agencies to collect "reasonable and customary" fees for the adoption services provided.

The services that agencies typically provide include preparation of the preplacement and postplacement home studies of the adoptive family, a social and medical history of the birth family, and birth family counseling. Sometimes, agencies also will receive payment for birth parent expenses and make appropriate disbursements. In addition, in some States, agencies are allowed to factor a portion of their administrative costs into their placement fees.

⁷ Delaware, Iowa, Louisiana, Missouri, New Mexico, Ohio, Oregon, Texas, Utah, West Virginia, and Wisconsin

⁸ Arizona, California, Florida, Kansas, Kentucky, Missouri, Ohio, Oklahoma, Pennsylvania, South Carolina, and Virginia

⁹ Alabama, California, Indiana, Maine, and Wisconsin specify a dollar amount in statute for some specific services.

Use of an Intermediary

In an independent adoption, a person or organization will often act as an intermediary to match or bring together a prospective adoptive parent with a birth mother wishing to place her child. In an effort to ensure that no person, either the intermediary or a member of the birth family, profits from the placement of a child, many States have enacted statutes to regulate the use of intermediaries.

For example, some States restrict the activities of intermediaries with language that prohibits “giving or accepting payment for the placement of a child, or obtaining a consent to adoption.” Other States limit the fees that an intermediary may collect to a sum that is “reasonable and customary” compensation for actual services provided, while, in some States, the statutes prohibit private intermediaries altogether, restricting all adoptive placements to licensed or State agencies.¹⁰

Reporting to the Court

Approximately 37 States,¹¹ American Samoa, Guam, and the Northern Mariana Islands have statutes requiring that an accounting of all adoption-related expenses be made to the court having jurisdiction over the adoption proceedings.

Typically, the accounting is made in the form of a sworn statement or affidavit. In some States, this statement is attached to the adoption petition. In other States, the accounting must be filed prior to the court hearing on the adoption. Some statutes specify that receipts for all expenses paid must be attached to the statement, and any expense for which a receipt is not presented may be disallowed.

In both private and agency adoptions, the court has the discretion to review all disbursements made for adoption-related expenses, including payments made to or on behalf of the birth parents, and any expense may be denied or modified if the court finds it unreasonable, unnecessary, or not permitted by law.

¹⁰ For more information on this issue, see the Information Gateway publication *Use of Advertising and Facilitators in Adoptive Placements* at www.childwelfare.gov/systemwide/laws_policies/statutes/advertising.cfm.

¹¹ Connecticut, Hawaii, Idaho, Massachusetts, Minnesota, Mississippi, Nebraska, South Dakota, Texas, Washington, Wyoming, the District of Columbia, Puerto Rico, and the Virgin Islands do not currently require an accounting of expenses to the court in their statutes.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

Alabama**Birth Parent Expenses Allowed****Statute: § 26-10A-34(a)**

It is permitted to pay maternity-connected medical or hospital and necessary living expenses of the mother preceding and during pregnancy-related incapacity, as an act of charity.

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: §§ 26-10A-23(a); 26-10A-34(b)**

No person or other entity may accept a fee for bringing the adopting parent together with the adoptee or natural parents, or for placing, assisting, or arranging a minor placement.

Allowable Payments for Relinquishing Child**Statute: §§ 26-10A-23(d); 26-10A-34**

The adoptive parents and the parents surrendering the child must attest that no money or other things of value have been paid or received for giving up the child for adoption.

Allowable Fees Charged by Department/Agency**Statute: § 26-10-4.1**

- The department shall collect a fee of \$300.00 for investigation services they perform in cases involving adoption except for cases in which a child was placed for adoption as a result of a court order in which parental rights for the child were terminated.
- The department may waive this fee in the case of an indigent or for good cause shown.

Accounting of Expenses Required by Court**Statute: § 26-10A-23(b)-(c)**

- The petitioners must file a sworn statement that is a full accounting of all charges, fees, and expenses to be paid.
- The court must approve all payments made.

Alaska**Birth Parent Expenses Allowed****Statute: § 25.23.090**

- Expenses incurred in connection with the birth of the child
- Medical or hospital care received by the mother or minor during the mother's prenatal care and confinement
- Services related to the adoption that were received by the petitioner or either natural parent or any other person

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency

Not addressed in statutes reviewed

Accounting of Expenses Required by Court

Statute: § 25.23.090

- The petitioner must file a full accounting report, in a manner acceptable to the court, of all disbursements of anything of value to be made in connection with the adoption.
- The report is to be verified and signed by the petitioner.

American Samoa**Birth Parent Expenses Allowed**

Statute: § 45.0430(a)

- Attorney's fees
- Charges and fees as approved by the court

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Statute: § 45.0430(a)

No person may offer any money or other consideration in connection with an adoption with the exception of attorney's fees and court fees.

Allowable Payments for Relinquishing Child

Statute: § 45.0430(a)

No person may charge or accept money in connection with an adoption.

Allowable Fees Charged by Department/Agency

Statute: § 45.0430(a)

Charges and fees as may be approved by the court are allowed.

Accounting of Expenses Required by Court

Statute: § 45.0420(d)

A statement of any fee charged relative to the adoption is submitted to the court with the petition and states that no additional fees are charged.

Arizona**Birth Parent Expenses Allowed****Statute: § 8-114(A)-(B)**

- Reasonable and necessary expenses, including medical and hospital costs for the birth mother and child
- Counseling fees
- Legal and agency fees
- Living expenses
- Any other costs the court finds reasonable and necessary

A payment exceeding \$1,000 for birth mother living expenses must be approved by the court.

Birth Parent Expenses Not Allowed**Statute: § 8-114(G)**

Expenses that the court finds to be unauthorized or unreasonable

Allowable Payments for Arranging Adoption**Statute: § 8-114(D)**

An attorney may be paid for services in connection with an adoption, but only in such amounts as the court approves as reasonable and necessary.

Allowable Payments for Relinquishing Child**Statute: § 8-114(C)**

Except as provided, a person shall not be directly or indirectly compensated for giving or obtaining consent to place a child for adoption.

Allowable Fees Charged by Department/Agency**Statute: §§ 8-133; 12-284**

- The division may charge fees for studying and certifying applicants, and placement supervision services.
- If an investigation is conducted by an officer of the court, the court may charge a reasonable fee.

Accounting of Expenses Required by Court**Statute: § 8-114(E), (H)**

- The petitioner shall file a verified accounting of all fees, payments, or commitments of anything of value.
- The birth mother must submit a signed affidavit asserting she understands that payment of expenses does not obligate her to place the child for adoption.
- All cases shall be reviewed by the court for reasonableness and necessity of expenses.

Arkansas**Birth Parent Expenses Allowed****Statute: § 9-9-211**

- Expenses incurred in connection with the birth of the child
- Fees related to the adoption or placement of the child
- Medical or hospital care received by the mother or minor child
- Fees charged by all attorneys

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency

Not addressed in statutes reviewed

Accounting of Expenses Required by Court**Statute: § 9-9-211**

The petitioner must file a full accounting report of all expenses incurred or agreed to, and file a signed, sworn affidavit that all expenses have been truthfully listed.

California**Birth Parent Expenses Allowed****Statute: Fam. Code §§ 8610; 8812**

- Services related to adoption
- Medical or hospital care for birth mother or child
- Attorney's fees
- Counseling fees
- Living expenses

The birth parent must request in writing any payment for expenses.

Birth Parent Expenses Not Allowed**Statute: Penal Code § 273(d)**

It is unlawful for the birth mother to receive payments that exceed reasonable maternity-related and living expenses.

Allowable Payments for Arranging Adoption**Statute: Penal Code § 273(a)**

It is unlawful for any person or agency to receive payment for the placement or consent to an adoption of a child.

Allowable Payments for Relinquishing Child**Statute: Penal Code § 273**

A mother may not receive payment for expenses:

- If it is contingent on giving consent
- There is intent not to consent or complete adoption
- She receives payment from more than one adoptive family

Allowable Fees Charged by Department/Agency**Statute: Fam. Code § 8810**

- The petitioner shall pay to the department or the adoption agency shall charge \$2,950 for the cost of investigating an adoption petition.
- Petitioners who have a valid preplacement evaluation shall be charged \$775 for a post-placement evaluation.
- A fee may be deferred, reduced, or waived for economic hardship.

Accounting of Expenses Required by Court**Statute: Fam. Code §§ 8610; 8812**

A full accounting report shall be filed with the court, itemized in detail, including receipts from the birth parent for any expenses paid.

Colorado**Birth Parent Expenses Allowed****Statute: § 19-5-213**

- Attorney fees and other charges and fees, as may be approved by the court, are allowed.
- Physicians and attorneys may charge reasonable fees for professional services.

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: § 19-5-213(b)**

No person other than an adoption exchange or licensed agency may charge or receive money for locating or identifying a child or natural parent for adoption or a prospective adoptive parent.

Allowable Payments for Relinquishing Child**Statute: § 19-5-213(a)**

No person shall offer or charge any money or other consideration in connection with the relinquishment and adoption.

Allowable Fees Charged by Department/Agency**Statute: § 19-5-207.5(4)**

A person who is the subject of a home study report and investigation conducted by a county department shall be required to pay, based on ability to pay, the cost of the investigation.

Accounting of Expenses Required by Court**Statute: § 19-5-208(4)**

The adoption petition shall be accompanied by a standardized affidavit disclosing all fees, costs, or expenses charged or to be charged by any person or agency in connection with the adoption.

Connecticut**Birth Parent Expenses Allowed****Statute: §§ 45a-728; 45a-728c**

- Counseling for the birth mother, including transportation
- Birth mother's living expenses
- Reasonable telephone costs
- Reasonable maternity clothing expenses

Birth Parent Expenses Not Allowed**Statute: § 45a-728c**

Payment to the birth mother for living expenses shall not exceed \$1,500, unless approved in unusual circumstances by the court.

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency**Statute: § 45a-727(b)**

The court may assess the adopting parent a reasonable fee covering the cost of making the required investigation.

Accounting of Expenses Required by Court

No accounting of expenses is specifically required by statute.

Delaware**Birth Parent Expenses Allowed****Statute: Tit. 13, § 928**

- Court costs
- Legal fees

Birth Parent Expenses Not Allowed**Statute: Tit. 13, § 928**

No other payment is allowed.

Allowable Payments for Arranging Adoption**Statute: Tit. 13, § 928**

No person or organization shall receive any payment in connection with an adoption.

Allowable Payments for Relinquishing Child**Statute: Tit. 13, § 928**

No biological parent shall receive any sort of payment for the placement of a child for adoption.

Allowable Fees Charged by Department/Agency**Statute: Tit. 13, §§ 916; 928**

- Court costs shall be paid by the petitioner.
- The department or licensed agency may charge a service fee in the amount not to exceed the cost of services rendered.

Accounting of Expenses Required by Court**Statute: Tit. 13, § 906(10)**

An affidavit is to be attached to the adoption petition stating the service fees and other expenses paid, and attesting that no intermediary assisted in locating the child.

District of Columbia**Birth Parent Expenses Allowed**

Not addressed in statutes reviewed

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: § 4-1410**

No person or agency may charge for services in connection with placing a child for adoption.

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency**Statute: § 4-1410**

A licensed agency that is operated for religious or charitable purposes may charge an amount not to exceed average costs incurred.

Accounting of Expenses Required by Court

An accounting is not specifically required in the statutes, but the court may require one.

Florida**Birth Parent Expenses Allowed****Statute: § 63.097**

- Reasonable living expenses of the mother that the mother is unable to pay due to unemployment or disability that may include rent, utilities, basic phone service, food, transportation, clothes, and insurance
- Medical or hospital care received by the mother or minor
- Services related to the adoption
- Attorney and other professional fees
- Any other expenses found by the court to be necessary

Expenses may be paid during pregnancy and up to 6 weeks postpartum.

Birth Parent Expenses Not Allowed**Statute: § 63.097**

- Any payment not itemized on the affidavit
- Any fee for which service is not specified
- Any payment for locating a minor for adoption

Allowable Payments for Arranging Adoption**Statute: § 63.097**

A licensed agency, professional, or any other person is due an amount equal to the cost of all services performed.

Allowable Payments for Relinquishing Child**Statute: §§ 63.212(1)(c); 63.085**

- It is unlawful to sell or surrender a child to another person for money or anything of value.
- The payment of expenses does not obligate the birth mother's consent.

Allowable Fees Charged by Department/Agency**Statute: § 63.097**

- The department may charge an amount equal to the cost of services, including the preliminary home study, investigator fees, counseling, and the final home investigation.
- Prior approval is required for court costs over \$800.
- An adoption agency may assess fees for foster care, preplacement and postplacement assessments, social services, and administrative costs.

Accounting of Expenses Required by Court**Statute: § 63.132**

- The petitioner and adoption entity must file an itemized affidavit of a full accounting of all disbursements for expenses, including professional and legal fees, and any additional information the court requests.
- The expenses that must be included are specified in statute.

Georgia**Birth Parent Expenses Allowed****Statute: § 19-8-13(c)**

- Medical expenses related to the pregnancy
- Hospital costs for the birth of the child
- Expenses related to the placement and adoption

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: § 19-8-13(c)**

Payments for services related to the adoption or the placement of the minor are permitted.

Allowable Payments for Relinquishing Child**Statute: § 19-8-24**

It is unlawful for any person or entity to directly or indirectly offer inducements to a parent to relinquish their child.

Allowable Fees Charged by Department/Agency**Statute: § 19-8-13(b)**

A fee must be paid to the clerk of the court for the filing of the adoption petition, as established by §§ 15-6-77 and 15-6-77.1.

Accounting of Expenses Required by Court**Statute: § 19-8-13(c), (d)**

- Each petitioner must file a report fully accounting for all disbursements made or agreed to be made.
- Each attorney must file an affidavit detailing all legal fees.

Guam**Birth Parent Expenses Allowed**

There are no express provisions that pertain to the payment of adoption related expenses.

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency

Not addressed in statutes reviewed

Accounting of Expenses Required by Court**Statute: Tit. 19, § 4221**

The pre-adoption investigation report shall include the compensation paid or agreed upon for placement of the child for adoption.

Hawaii**Birth Parent Expenses Allowed**

There are no express provisions that pertain to the payment of adoption related expenses.

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency

Not addressed in statutes reviewed

Accounting of Expenses Required by Court

The Adoption Code does not require an accounting, but judges may, at their discretion, ask for one.

Idaho**Birth Parent Expenses Allowed****Statute: §§ 16-1515; 18-1511**

- A person or agency may pay legal and medical costs and reasonable living and maternity expenses during the pregnancy.
- A birth parent who revokes a consent to adoption may be required to pay back any expenses paid by the adoptive parent, including medical and living expenses, legal fees, and all other reasonable costs.
- The court shall determine the amount of the reimbursement.

Birth Parent Expenses Not Allowed**Statute: § 18-1511**

- Living expenses are not to extend beyond 6 weeks after the birth, based on demonstrated financial need.
- Financial assistance to the birth parent shall not exceed \$2,000, unless otherwise authorized by the court.

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child**Statute: § 18-1511**

It is a felony to sell or barter a child for adoption or other purposes.

Allowable Fees Charged by Department/Agency**Statute: § 16-1506**

The department or agency may require the petitioner to pay all or any part of the cost of the investigation.

Accounting of Expenses Required by Court

Judges, at their discretion, may order an accounting.

Illinois**Birth Parent Expenses Allowed****Statute: 720 ILCS 525/4; 4.1**

- Reasonable living expenses, including lodging, clothing, and food, where need is demonstrated
- Reasonable and actual medical and hospital charges
- Reasonable attorney's fees, with permission from the court

Birth Parent Expenses Not Allowed**Statute: 720 ILCS 525/4.1(a)**

- 'Reasonable living expenses' does not include lost wages, gifts, educational expenses, or other similar expenses.
- Payment of living expenses shall not extend beyond 30 days after the birth of the child.

Allowable Payments for Arranging Adoption**Statute: 720 ILCS 525/1**

No person or organization, except a child welfare agency, shall request or accept any compensation for placing a child.

Allowable Payments for Relinquishing Child**Statute: 720 ILCS 525/4.1(d)**

- Payment of living expenses shall not obligate birth parents to place the child for adoption.
- Petitioners shall have no right to seek reimbursement in the event that the birth parents choose not to place the child for adoption.

Allowable Fees Charged by Department/Agency**Statute: 720 ILCS 525/2**

No person shall pay or give any compensation to any person or organization for placing a child, except for a child welfare agency.

Accounting of Expenses Required by Court**Statute: 720 ILCS 525/4.1(e); 750 ILCS 50/14(a)**

- Petitioners must file an accounting of all living expenses paid to the biological parents.
 - The accounting shall include vouchers for all expenditures, receipts for all cash payments, and copies of all checks written.
 - Each party involved must file an affidavit of all hospital and medical costs, legal and counseling fees, and other expenditures.
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Indiana**Birth Parent Expenses Allowed****Statute: § 35-46-1-9(b)**

- Reasonable attorney fees
- Hospital and medical costs
- Reasonable expenses for counseling
- Travel expenses and maternity clothes
- Living expenses, including housing, utilities, and phone service, during the 2nd and 3rd trimester of pregnancy, not to continue for more than 6 weeks after the child's birth
- Lost wages if leaving a job is made necessary by medical complications of the pregnancy
- Any additional living expenses, as approved by the court, but not in excess of \$1,000

Birth Parent Expenses Not Allowed**Statute: § 35-46-1-9(b), (c)**

- Compensation for lost wages shall be offset by living expenses paid and any unemployment compensation to which mother is entitled.
- Total expenses paid shall not exceed \$3,000 unless approved by the court.
- Payment of living expenses shall not extend beyond 6 weeks after the child's birth.

Allowable Payments for Arranging Adoption**Statute: § 35-46-1-9**

Reasonable charges and fees levied by a licensed child placing agency or by a county office of family and children are permitted.

Allowable Payments for Relinquishing Child**Statute: § 35-46-1-9(a)**

Except for expenses allowed, it is unlawful to transfer or receive property for waiving parental rights or consenting to adoption.

Allowable Fees Charged by Department/Agency**Statute: § 31-19-2-8**

The petitioner for adoption must attach to the petition an adoption history fee of \$20 and a putative father registry fee of \$50, payable to the Department of Health.

Accounting of Expenses Required by Court**Statute: § 35-46-1-9(c)**

All fees and expenses paid must be disclosed to the court supervising the adoption.

Iowa**Birth Parent Expenses Allowed****Statute: § 600.9(2)**

- Legal costs relating to termination of parental rights and adoption
- Pregnancy and birth-related medical care for the birth mother and child
- Living expenses of the mother, including room, board, food, and transportation for medical purposes only
- Counseling provided to the birth parents
- Foster care for the child, if needed

Birth Parent Expenses Not Allowed**Statute: § 600.9(2)**

- Living expenses other than those listed above, and not to extend beyond 30 days after the child's birth
- Counseling beyond 60 days after the child's birth

Allowable Payments for Arranging Adoption**Statute: § 600.9(1)(b)**

Any person assisting in the placement or adoption of a child shall not charge a fee that is more than usual, necessary, and commensurate with the services rendered.

Allowable Payments for Relinquishing Child**Statute: § 600.9(1)(a)**

Except for an allowable expense, a birth parent shall not receive any thing of value for placing a child for adoption.

Allowable Fees Charged by Department/Agency**Statute: § 600.8(6)**

- A fee may be charged for any required investigations.
- The fee may not exceed the reasonable cost of services rendered that is based on a sliding scale relating to the person's ability to pay.

Accounting of Expenses Required by Court**Statute: § 600.9(2)**

A petitioner shall file with the court a full accounting, in a report prescribed by the court, signed and verified, of all disbursements made in connection with the adoption.

Kansas**Birth Parent Expenses Allowed****Statute: § 59-2121(a)**

- Reasonable fees for legal and other professional services
- Actual expenses, including medical costs for the birth mother and the child
- The birth mother's living expenses
- Expenses incidental to the adoption

Birth Parent Expenses Not Allowed**Statute: § 59-2121(c)**

- Expenses that are clearly excessive are prohibited.
- Fees for legal and professional services performed outside the State shall not exceed the customary fees for similar services performed within the State.

Allowable Payments for Arranging Adoption**Statute: § 59-2121(c)**

- Reasonable legal or professional fees and services, not to exceed customary fees of similar services by professionals, are permitted.
- Fees for legal and professional services performed outside the State shall not exceed the customary fees for similar services performed within the State.
- Knowingly and intentionally accepting clearly excessive fees is a felony.

Allowable Payments for Relinquishing Child**Statute: § 59-2121(a)**

Except as authorized by law, no person shall request or receive any consideration in connection with an adoption.

Allowable Fees Charged by Department/Agency**Statute: §§ 59-2121(a); 59-2132**

- Reasonable fees for services connected to the placement of the child are permitted.
- The costs of making the adoption assessment and report may be assessed as court costs.

Accounting of Expenses Required by Court**Statute: § 59-2121(b)**

- A detailed accounting of all disbursements made shall accompany the petition for adoption.
- The court has the power to review and disapprove any payments deemed unreasonable.

Kentucky**Birth Parent Expenses Allowed****Statute: § 199.590(6)(a)**

- Fees for legal services
- Cost of placement services
- Expenses of the birth parents

Birth Parent Expenses Not Allowed**Statute: § 199.493**

No adoptive parent, agency, or intermediary shall pay the attorney's fees of a biological parent except as approved by the court.

Allowable Payments for Arranging Adoption**Statute: § 199.590(3), (5)**

No person or group shall act as intermediary in placing a child or accept a fee for facilitating an adoption.

Allowable Payments for Relinquishing Child**Statute: § 199.590(2)**

A person, agency, or intermediary shall not sell or purchase any child for the purpose of adoption.

Allowable Fees Charged by Department/Agency**Statute: § 199.590(2)**

A child-placing agency may charge a fee for adoption services.

Accounting of Expenses Required by Court**Statute: § 199.590(6)(a)**

The expenses paid shall be submitted to the court, supported by an affidavit, detailing the expenses for the court's approval or modification.

Louisiana**Birth Parent Expenses Allowed****Statute: Ch. Code art. 1200; R.S. § 14:286**

- Reasonable medical and hospital costs of the birth mother, including pharmaceutical, travel, or other similar expenses
- Living expenses of the birth mother
- Medical, hospital, and foster care expenses of the child
- Reasonable expenses for counseling and training services
- Attorney fees and court costs
- Any other fees the court deems reasonable and necessary

Birth Parent Expenses Not Allowed**Statute: Ch. Code art. 1200**

- Payment for the birth mother's living expenses may not extend beyond 45 days after the birth.
- If a court determines that an expense is unreasonable, it may order a reduction in the amount.

Allowable Payments for Arranging Adoption**Statute: Ch. Code art. 1200; R.S. § 14:286**

Except for expenses permitted by law, the payment or receipt of anything of value for the procurement, attempted procurement, or assistance in the procurement of a party to an act of voluntary surrender of a child for adoption is strictly prohibited.

Allowable Payments for Relinquishing Child**Statute: Ch. Code art. 1200; R.S. § 14:286**

- Payment of expenses may not be made contingent on the placement of a child for adoption.
- It is unlawful for any person to sell or surrender a child to another person for money or anything of value.

Allowable Fees Charged by Department/Agency**Statute: Ch. Code art. 1200; R.S. § 14:286**

- An agency may charge reasonable fees for counseling and training services to the adoptive parents.
- Reasonable fees for home studies or investigations are permitted.
- Reasonable administrative expenses, including overhead, court costs, travel costs, and attorney's fees, also are permitted.

Accounting of Expenses Required by Court**Statute: Ch. Code art. 1200; 1201**

- A preliminary estimate and accounting of fees must be filed with the adoption petition.
- Each petition for an agency adoption shall be accompanied by an affidavit of accounting of all fees and charges paid or agreed to be paid.
- A form for the affidavit is in Ch. Code art. 1201.
- The final adoption decree will not be issued until the final accounting is reviewed and approved.

Maine**Birth Parent Expenses Allowed****Statute: Tit. 18-A, § 9-306(a)**

- Actual cost of legal services related to consent
- Prenatal and postnatal counseling
- Prenatal, postnatal, and birthing medical costs for the mother
- Transportation to the services that are permitted
- Foster care for the child
- Reasonable living expenses for the birth mother and the child
- Counseling and legal fees for the birth father
- Fees to the placing agency

Birth Parent Expenses Not Allowed**Statute: Tit.18-A, § 9-306(c)**

Other expenses or payments to the birth parents are not authorized.

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child**Statute: Tit.18-A, § 9-306(c)**

Payments for allowable expenses may not be contingent upon any future decision a birth parent may make pertaining to the child.

Allowable Fees Charged by Department/Agency**Statute: Tit. 18-A, § 9-301**

- The fee for filing an adoption petition is \$50.
- A fee is charged for the required State and Federal criminal history record check.

Accounting of Expenses Required by Court**Statute: Tit. 18-A, § 9-306(b)**

- The petitioner shall file a full accounting of all disbursements made or agreed to be made in connection with the adoption.
 - The accounting must be signed under penalty of perjury and itemized.
-

Maryland**Birth Parent Expenses Allowed****Statute: Fam. § 5-327(a)(2)**

Reasonable and customary charges or fees for hospital or medical or legal services

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: Fam. § 5-327(a)(1)**

A person or organization may not receive compensation for arranging an adoptive placement.

Allowable Payments for Relinquishing Child**Statute: Crim. § 3-603**

A person may not barter, trade, buy, or offer to sell a child for anything of value.

Allowable Fees Charged by Department/Agency**Statute: Fam. § 5-327(b)**

The Social Services Administration or licensed agency may receive reimbursement for costs of adoptive services.

Accounting of Expenses Required by Court**Statute: Fam. § 5-327(c)**

In an independent adoption, the petitioner shall file an accounting of all payments and disbursements of any items of value.

Massachusetts**Birth Parent Expenses Allowed**

Not addressed in statutes reviewed

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: Ch. 210 § 11A**

Only authorized agents or employees of the Department of Social Services may advertise or accept payment for arranging adoptions.

Allowable Payments for Relinquishing Child**Statute: Ch. 210 § 11A**

It is unlawful for an unauthorized person to accept payment for placing a child for adoption.

Allowable Fees Charged by Department/Agency

Not addressed in statutes reviewed

Accounting of Expenses Required by Court

The statutes do not require this.

Michigan**Birth Parent Expenses Allowed****Statute: § 710.54(3)**

- Medical, hospital, nursing, or pharmaceutical expenses incurred by the birth mother or adopted person
- Counseling services related to the adoption
- Living expenses, legal fees, and travel expenses

Birth Parent Expenses Not Allowed**Statute: § 710.54(3)**

- Medical expenses that are covered by the birth mother's insurance or Medicaid
- Living expenses beyond 6 weeks after the birth of the child

Allowable Payments for Arranging Adoption**Statute: § 710.54(1),(2)**

A person shall not pay or receive compensation for:

- Arranging placement or consent for adoption
- Referring a parent to a prospective adoptive parent or vice versa

Allowable Payments for Relinquishing Child**Statute: § 710.54(6)**

Payment for expenses shall not be contingent on:

- Release of the child or consent to the adoption
- Cooperation in the completion of the adoption

Allowable Fees Charged by Department/Agency**Statute: § 710.54(3), (4)**

An adoptive parent shall pay the reasonable and actual charge for:

- The services of the child-placing agency
- The preplacement assessment
- Any additional investigations ordered

Accounting of Expenses Required by Court**Statute: § 710.54(7)**

- At least 7 days before placement of the child, a verified accounting, with receipts attached, shall be filed with the court itemizing all payments made, or agreed to be made, in connection with the adoption.
 - The petitioner's attorney and the child-placing agency shall also submit statements itemizing the services performed and the compensation received.
-

Minnesota**Birth Parent Expenses Allowed****Statute: § 259.55 Subd. 1**

- Reasonable counseling, medical, and legal fees, which shall be paid directly to the provider of the service
- Reasonable expenses for transportation, meals, and lodging incurred for placement of the child or to access permitted services
- Adoption services provided by an agency, that must be paid directly to the agency
- Reasonable living expenses due to loss of income resulting from the pregnancy

Birth Parent Expenses Not Allowed**Statute: § 259.55 Subd. 1**

- Payments for living expenses shall not extend beyond 6 weeks after delivery, unless the court determines that the mother is unable to work due to physical limitations relating to the birth.
- «Reasonable living expenses» does not include lost wages, gifts, educational expenses, or other similar expenses.

Allowable Payments for Arranging Adoption**Statute: § 259.55 Subd. 3(b)**

A person may not give money or anything of value to the birth parent if the person is engaged or has engaged in any placement activity.

Allowable Payments for Relinquishing Child**Statute: § 259.55 Subd. 2, 3**

- Reimbursement for payments for expenses is not allowed when a birth parent refuses to consent or withdraws consent to the adoption.
- It is unlawful to give or accept payment for the placement of a child for adoption.
- Payment shall not be contingent upon placement, consent, or cooperation in the completion of an adoption.

Allowable Fees Charged by Department/Agency**Statute: § 317A.907 Subd. 6**

- A licensed agency may receive payment for:
 - » Expenses related to adoptive counseling
 - » Provision of services before placement
 - » Supervision of children before legal adoption is complete
 - » Birth parent expenses
- Only that part of the expenses that the adoptive parent is financially able to meet may be requested.
- An agency may only require payment of fees in stages, as services are performed.

Accounting of Expenses Required by Court

The statutes do not specifically require an accounting of expenses.

Mississippi**Birth Parent Expenses Allowed****Statute: §§ 43-15-23(4); 43-15-117**

- Legal fees that have been approved by the court
- Reasonable and actual medical fees or hospital charges connected with the birth or medical treatment of the child
- Counseling

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: § 43-15-23(2)**

Only a licensed agency may receive compensation for placing a child for adoption.

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency**Statute: §§ 93-17-19; 93-17-12**

- A reasonable fee may be charged for each investigation that may be required.
- The court could require either or both parties to pay a fee of not less than \$350 for the home study.
- The fee may be waived by the court if a party is unable to pay.

Accounting of Expenses Required by Court

The statutes do not specifically require an accounting, but judges may, at their discretion, ask for one.

Missouri**Birth Parent Expenses Allowed****Statute: § 453.075(1)**

- Hospital, medical, or physician expenses incurred by the mother or the child
- Counseling services for the parent or child for a reasonable time before and after the placement for adoption
- Expenses incurred in having any needed assessments made
- Reasonable legal expenses, court costs, travel, and other administrative expenses in connection with the adoption
- Reasonable living expenses, including food, shelter, utilities, transportation, and clothing
- Any other services or items the court finds reasonably necessary

Birth Parent Expenses Not Allowed**Statute: § 453.075(2)**

- Payments that the court finds unreasonable
- Any payment not permitted by law

Allowable Payments for Arranging Adoption**Statute: § 568.175**

It is a felony for any organization to engage in child trafficking by soliciting, offering, or giving money for the delivery of a child for adoption.

Allowable Payments for Relinquishing Child**Statute: § 568.175**

It is a felony to give or receive anything of value for the execution of consent to adoption, or waiver of consent for future adoption or termination of parental rights.

Allowable Fees Charged by Department/Agency**Statute: § 453.070(6)**

The division of family services may be paid a reasonable fee to cover the cost of an investigation and report.

Accounting of Expenses Required by Court**Statute: § 453.075(1)**

The petitioner must file with the court a signed and verified full accounting of all payments made, agreed to be made, or promised in connection with the adoption.

Montana**Birth Parent Expenses Allowed****Statute: § 42-7-101(1)**

- Medical and prenatal care
- Foster care
- Counseling for the birth mother
- Travel and temporary living expenses
- Legal fees
- Any other reasonable adoption related expenses

Birth Parent Expenses Not Allowed**Statute: §§ 42-7-101(1)(k); 42-7-102**

- Education
- Vehicles
- Salary, wages, or vacations
- Permanent housing for the birth mother
- Counseling for the mother beyond a maximum of 10 hours

Allowable Payments for Arranging Adoption**Statute: § 42-7-105(3)**

A person may not give or accept payment beyond the fees that are specifically allowed by statute.

Allowable Payments for Relinquishing Child**Statute: §§ 42-7-101(2); 42-7-105(4)**

- Expense payments may not be made contingent on the placement of the child.
- Payments made cannot be recovered; they are considered a gift to the birth mother.

Allowable Fees Charged by Department/Agency**Statute: § 42-7-101(1)**

Reasonable fees may be paid by the adoptive parent for the actual cost of services. The costs must relate to:

- The petition for adoption
- The preplacement evaluation
- The placement of the child

Accounting of Expenses Required by Court

Although an accounting is not mandatory, judges may, at their discretion, ask for one.

Nebraska**Birth Parent Expenses Allowed**

Not addressed in statutes reviewed

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency**Statute: § 43-107(1)(b)(vi)**

- Any required adoptive home study shall be conducted at the expense of the petitioner.
- The fee may be waived by the department.

Accounting of Expenses Required by Court

An accounting is not required by statute, but the court may, at its discretion, ask for one.

Nevada**Birth Parent Expenses Allowed**

Statute: § 127.287(3)

A person may pay medical and other necessary living expenses as long as payment is not contingent on placement of the child for adoption.

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Statute: §§ 127.285; 127.290

- An attorney may not receive payment for finding children for adoption or finding adoptive parents.
- An agency must be licensed to receive payment for arranging, or assisting in arranging, an adoption.

Allowable Payments for Relinquishing Child

Statute: § 127.287

- A person may not pay a birth mother to consent to placing her child for adoption.
- A birth mother may not accept payment for expenses with the intent not to consent to an adoption.

Allowable Fees Charged by Department/Agency

Statute: § 127.275

- The division shall charge reasonable fees for services provided and for conducting any investigations required.
- No fee is charged for placing a child with special needs.

Accounting of Expenses Required by Court

Statute: § 127.127

The petitioners shall, within 15 days of filing the adoption petition or 5 months after the child begins to live in the home, whichever is later, file an affidavit listing all fees, donations, and expenses paid by them in connection with the adoption.

New Hampshire**Birth Parent Expenses Allowed**

Statute: § 170-B:13(I)

- Reasonable counseling, medical, and legal fees, that shall be paid directly to the provider of the services
- Reasonable expenses for transportation, lodging, clothing, and meals incurred for the placement of the minor
- Reasonable living expenses of the birth mother to maintain an adequate standard of living when the mother is unable to due to loss of wages caused by the pregnancy or delivery
- Reasonable expenses for adoption services, that shall be paid directly to the agency

Birth Parent Expenses Not Allowed**Statute: § 170-B:13(I)(d)**

Reasonable expenses shall not include:

- Gifts over \$50
- Educational expenses
- Living expenses beyond 6 weeks following delivery
- Other payments for the monetary gain of the birth parent

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child**Statute: § 170-B:13(II)**

A contract cannot be made to require reimbursement of payments when the birth parent refuses to or withdraws consent to adoption.

Allowable Fees Charged by Department/Agency**Statute: § 170-B:13(I)**

An agency may charge reasonable fees for any services provided.

Accounting of Expenses Required by Court**Statute: § 170-B:19(V)**

The petitioner shall file with the court an affidavit listing the amount of fees and other charges paid, or on behalf of, birth parents, physicians, attorneys, or to any other person in connection with the adoption.

New Jersey**Birth Parent Expenses Allowed****Statute: § 9:3-39.1(e)**

- Medical, hospital, counseling, and other expenses connected with the birth of the child
- Reasonable living expenses, including food, clothing, and shelter
- Attorney fees and legal costs
- Religious, psychological, or vocational counseling during the pregnancy
- If the child is from a foreign country, reasonable and customary fees and expenses of a foreign agency or attorney

Birth Parent Expenses Not Allowed**Statute: § 9:3-39.1(e)**

Payments for expenses cannot extend beyond 4 weeks after the termination of the pregnancy, by birth or otherwise.

Allowable Payments for Arranging Adoption**Statute: § 9:3-39.1(a)**

Only an approved agency or person may offer to place or materially assist in the placement of a child for adoption.

Allowable Payments for Relinquishing Child**Statute: § 9:3-39.1(c), (d)**

- The decision to place a child for adoption cannot be contingent upon payment of expenses.
- Payments made are nonrefundable.

Allowable Fees Charged by Department/Agency**Statute: §§ 9:3-48; 9:3-53**

- In a nonagency adoption, all expenses and fees for the investigation and any counseling provided shall be the responsibility of the adopting parent.
- The costs of all proceedings shall be borne by the petitioner.

Accounting of Expenses Required by Court**Statute: § 9:3-55**

A detailed report, signed and verified, that discloses all sums of money or other valuable consideration paid or agreed to be paid, shall be filed with the court.

New Mexico**Birth Parent Expenses Allowed****Statute: § 32A-5-34(B)**

- Medical, hospital, pharmaceutical, or nursing costs
- Travel expenses
- Counseling services
- Living expenses for the mother and her dependent children
- Legal fees and court costs
- Any other court approved expenses

Birth Parent Expenses Not Allowed**Statute: § 32A-5-34(B), (C)**

- Living expenses beyond 6 weeks after the child's birth
- Any payments other than those permitted by statute

Allowable Payments for Arranging Adoption**Statute: § 32A-5-34(B)**

Reasonable and actual fees for services

Allowable Payments for Relinquishing Child**Statute: § 32A-5-34(D), (F)**

- It is unlawful to demand repayment of expenses to coerce consent.
- It is not permitted to pay a woman to conceive and carry a child.

Allowable Fees Charged by Department/Agency**Statute: § 32A-5-34(B)**

It is the responsibility of the petitioner to cover the cost of the preplacement study and the post-placement report.

Accounting of Expenses Required by Court**Statute: § 32A-5-34(A)**

Prior to the final hearing, the petitioner shall file a full accounting of all disbursements made or agreed to be made in connection with the adoption.

New York**Birth Parent Expenses Allowed****Statute: Soc. Serv. § 374(6)**

- Reasonable and actual nursing, medical, and hospital costs
- Reasonable and actual legal fees
- Reasonable expenses for housing, maternity clothing, clothing for the child, and transportation

Birth Parent Expenses Not Allowed**Statute: Soc. Serv. § 374(6)**

Payment of living expenses shall not extend for 60 days prior to the birth, and 30 days after the birth, unless the court determines that there are exceptional circumstances.

Allowable Payments for Arranging Adoption**Statute: Soc. Serv. § 374(6)**

No person or entity, except for an authorized agency, shall receive payment for placing a child or assisting a parent in arranging a placement.

Allowable Payments for Relinquishing Child**Statute: Soc. Serv. § 374(6)**

No person or entity, except for an authorized agency, shall request, accept, or receive compensation or anything of value in connection with the placing out or adoption of a child.

Allowable Fees Charged by Department/Agency**Statute: Soc. Serv. § 374(6)**

An authorized agency may charge a fee for the reasonable and necessary expenses of placement.

Accounting of Expenses Required by Court**Statute: Dom. Rel. § 115(8)**

- In a private placement adoption, the adoptive parent will present an affidavit describing all fees and other payments made or promised.
 - The attorney representing the adoptive parents must also present an affidavit describing all fees and compensation paid in relation to the adoption.
-

North Carolina**Birth Parent Expenses Allowed****Statute: § 48-10-103(a)**

- Medical, hospital, pharmaceutical, nursing, and travel expenses connected to the pregnancy and birth
- Counseling services for the parent or adopted person
- Ordinary living expenses
- Legal and court costs

Birth Parent Expenses Not Allowed**Statute: § 48-10-103(a)(4)**

Living expenses may not be paid beyond 6 weeks after the birth of the child.

Allowable Payments for Arranging Adoption**Statute: § 48-10-102**

Except for the expenses authorized by § 48-10-103, a person or entity may not give or receive compensation for:

- Placing a child
- Arranging consent
- Otherwise assisting in locating a child or adoptive family

Allowable Payments for Relinquishing Child**Statute: § 48-10-103(c), (d)**

- A payment may not be contingent on consent to the adoption or placement or relinquishment of the child, nor can payments that have been made be recovered.
- Expenses may be recovered if they were accepted with fraudulent intent.

Allowable Fees Charged by Department/Agency**Statute: §§ 48-2-504; 48-3-304; 48-10-103(e)**

- An agency may charge a reasonable fee for services, including for preparation of reports and preplacement assessments.
- Fees are based on the ability to pay.

Accounting of Expenses Required by Court**Statute: § 48-2-602**

At least 10 days before the hearing, the petitioner shall file with the court an affidavit accounting for any payments or disbursements made or agreed to be made in connection with the adoption.

North Dakota**Birth Parent Expenses Allowed****Statute: §§ 14-15-10; 14-15.1-06**

- Preplacement counseling, adoption assessment, placement of the child, foster care, other preadoption services, or legal fees that must be paid directly to the provider of the services
- Medical expenses relating to prenatal care and the birth of the child that are not already covered by health insurance
- Expenses for transportation, meals, and lodging incurred for placement of the child or in order to receive services
- Living expenses of the birth mother that are needed to maintain an adequate standard of living, which the birth mother is unable to otherwise maintain because of loss of income resulting from the pregnancy

Birth Parent Expenses Not Allowed**Statute: §§ 14-15-10; 14-15.1-06**

- Payments may not extend beyond 6 weeks after delivery unless approved by the court.
- Living expenses do not include lost wages, gifts, educational expenses, vacations, or other similar expenses.

Allowable Payments for Arranging Adoption**Statute: § 12.1-31-05**

It is unlawful to accept, offer, or agree to accept anything of value for enabling another to furnish a minor child for adoption.

Allowable Payments for Relinquishing Child**Statute: §§ 12.1-31-05; 14-15-10**

- It is unlawful to accept anything of value for furnishing a child for purposes of adoption.
- Fees may not be contingent upon placement of the child for adoption.

Allowable Fees Charged by Department/Agency**Statute: § 14-15.1-06**

Reasonable fees may be charged for professional services relating to placement, relinquishment, or other preadoption services.

Accounting of Expenses Required by Court**Statute: § 14-15-10**

The petitioner shall file a full accounting in a manner acceptable to the court of all disbursements made or agreed to be made related to the adoption.

Northern Mariana Islands**Birth Parent Expenses Allowed****Statute: Tit. 8, § 1409(a)**

- Expenses incurred in connection with the birth of the minor
- Medical and hospital costs for services received by the mother or the minor during the mother's prenatal care and delivery
- Attorney's fees
- If the mother is not a resident, transportation back to her country of origin
- Reasonable living expenses

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: Tit. 8, § 1420**

It is a felony to induce a person to adopt another in exchange for money or anything of value.

Allowable Payments for Relinquishing Child**Statute: Tit. 8, § 1420**

It is a felony to offer or receive payment in exchange for placing a child for adoption.

Allowable Fees Charged by Department/Agency**Statute: Tit. 8, § 1409(a)(4)**

Payment for services related to the adoption or placement of the child are permitted.

Accounting of Expenses Required by Court**Statute: Tit. 8, § 1409**

- Before the petition is heard, a full accounting must be filed of all disbursements made or agreed to be made of anything of value.
- The report must be signed and verified by the petitioner.
- A fraudulent report shall be cause for the court to deny the petition.

Ohio**Birth Parent Expenses Allowed****Statute: § 3107.10(C)**

- Physician, hospital, or other medical facility costs
- Attorney's fees and court costs
- Temporary maintenance and medical care, or foster care for the child
- Guardian *ad litem* fees

Birth Parent Expenses Not Allowed**Statute: § 3107.10(D)**

- Any expense not expressly permitted by the statute
- Any expense that the court finds unreasonable

Allowable Payments for Arranging Adoption**Statute: § 3107.10(C)**

No person, agency, or attorney shall make any disbursements in connection with the surrender, placement, or adoption other than those specified by law.

Allowable Payments for Relinquishing Child**Statute: § 3107.10(C)**

No person shall make any disbursements in connection with the surrender of a child other than those specified by law.

Allowable Fees Charged by Department/Agency**Statute: § 3107.10(C)(4)**

Application fee and expenses incurred for conducting a home study and other investigations required by statute are permitted.

Accounting of Expenses Required by Court**Statute: § 3107.10(B)**

- The agency or attorney that arranged the adoption shall file a preliminary accounting no later than the filing of petition for adoption.
- A final accounting must be made before the final decree, specifying all disbursements made or agreed to be made.
- A final decree will not be issued until at least 10 days after the accounting has been filed.

Oklahoma**Birth Parent Expenses Allowed****Statute: Tit. 10, § 7505-3.2(B)**

- Reasonable attorney's fees and court costs
- Medical expenses
- Reasonable counseling expenses
- In cases of extraordinary need, reasonable expenses for necessities for the birth mother that are incurred as a result of the pregnancy
- Reasonable travel and transportation costs

An initial payment of \$500 is allowed before obtaining court approval.

Birth Parent Expenses Not Allowed**Statute: Tit. 10, § 7505-3.2(B)**

- Payments to the birth mother beyond 2 months after placement of the child
- Payments for counseling beyond 6 months after placement of the child
- Payments deemed unreasonable by the court

Allowable Payments for Arranging Adoption**Statute: Tit. 21, § 866**

Acceptance of any compensation by any person or organization, except for the department or a licensed agency, for services performed to facilitate the adoption of a minor child is a felony.

Allowable Payments for Relinquishing Child**Statute: Tit. 21, § 866**

The offer or payment of any compensation for adoption of a minor child is a felony.

Allowable Fees Charged by Department/Agency**Statute: Tit. 10, § 7505-3.2(B)**

- Reasonable fees of a licensed agency
- Cost of a home study
- Any reasonable expenses legally required by any governmental entity related to the adoption

Accounting of Expenses Required by Court**Statute: Tit. 10, § 7505-3.2(A)**

An affidavit shall be attached to the petition or filed later, but prior to the final decree, that discloses to the court all costs expended or expected to be expended by the adoptive family.

Oregon**Birth Parent Expenses Allowed****Statute: § 109.311(1)**

- Legal costs
- Medical expenses
- Living and travel expenses

Birth Parent Expenses Not Allowed**Statute: § 109.311**

No charges, except those reported in the disclosure statement, may be paid.

Allowable Payments for Arranging Adoption**Statute: § 109.311(3)**

No person shall charge a fee for locating a child for adoption or an adoptive family other than a licensed agency.

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency**Statute: §§ 109.309(8)(c); 109.311(3)**

- A licensed adoption agency may charge reasonable fees for services provided.
- The department may charge a fee for investigating a proposed nonagency adoption, and preparing the home study placement report.
- The fee must be reasonable and necessary.

Accounting of Expenses Required by Court**Statute: § 109.311(1)**

- Each petition shall be accompanied by a written disclosure statement itemizing all expenditures paid or estimated to be paid.
 - The form of the disclosure statement shall be determined by the department.
-

Pennsylvania**Birth Parent Expenses Allowed****Statute: 23 Pa. § 2533(d)**

- Medical and hospital costs
- Foster care expenses
- Adjustment counseling
- Training services

Birth Parent Expenses Not Allowed**Statute: 23 Pa. § 2533(c)**

The court may provide appropriate relief when it finds the expenses reported are excessive.

Allowable Payments for Arranging Adoption**Statute: 18 Pa. § 4305**

It is unlawful to trade, barter, buy, sell, or deal in infant children.

Allowable Payments for Relinquishing Child**Statute: 18 Pa. § 4305**

It is unlawful to trade, barter, buy, sell, or deal in infant children.

Allowable Fees Charged by Department/Agency**Statute: 23 Pa. § 2533(d)**

- Reasonable expenses for home studies or investigations
- Overhead costs
- Attorney's fees

Accounting of Expenses Required by Court**Statute: 23 Pa. § 2533 (b)(8)**

The intermediary's written report to the court shall include an itemized accounting of all monies paid, agreed to be paid, or received in connection with the adoption.

Puerto Rico**Birth Parent Expenses Allowed**

There are no specific statutory provisions regarding payment of adoption related expenses.

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: Tit. 33, § 4245**

It is unlawful for any person to give or receive money or goods in exchange for delivery of a minor for adoption.

Allowable Payments for Relinquishing Child**Statute: Tit. 33, § 4245**

It is unlawful for any person to give or receive money or goods in exchange for delivery of a minor for adoption.

Allowable Fees Charged by Department/Agency**Statute: Tit. 32, § 2699e(3)**

- The petitioner shall pay a fee when a professional performs the adoption assessment.
- The court will determine the fee.

Accounting of Expenses Required by Court

The statutes do not require an accounting of expenses.

Rhode Island**Birth Parent Expenses Allowed**

There are no specific statutory provisions regarding payment of adoption related expenses.

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency

Not addressed in statutes reviewed

Accounting of Expenses Required by Court

The statutes do not require an accounting, but the court may request one.

South Carolina**Birth Parent Expenses Allowed****Statute: § 20-7-1690(F)(1)**

- Necessary and actual medical costs
- Reasonable living expenses for the birth mother and the child for a reasonable period of time

Birth Parent Expenses Not Allowed**Statute: § 20-7-1775(B)(4)**

- Any expense that does not have a corresponding receipt
- Any expense that is found to be unreasonable

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child**Statute: § 20-7-1690(F)**

A person or agency may not receive payment for giving consent or relinquishing a child for the purpose of adoption.

Allowable Fees Charged by Department/Agency**Statute: § 20-7-1690(F)**

- Fees for investigations and reports
- Fees to individuals required to take consents
- Guardian *ad litem* fees
- Attorney's fees
- Fees to child-placing agencies and sending agencies

Accounting of Expenses Required by Court**Statute: §§ 20-7-1730(C)(4); 20-7-1775(A)**

- A statement of all payments made in the last 5 years, or agreed to be made in the future, that is not a disbursement must be attached to the adoption petition.
- At the final hearing, a full itemized accounting of all fees and expenses must be filed.

South Dakota**Birth Parent Expenses Allowed****Statute: § 25-6-4.2**

Charges approved by the court

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption**Statute: § 26-6-8**

- Only a licensed agency or the Department of Social Services may place a child for adoption.
- It is unlawful to offer or receive payment in connection with placing a child or consenting to an adoptive placement.

Allowable Payments for Relinquishing Child**Statute: §§ 25-6-4.1; 25-6-4.2**

- It is unlawful to offer or receive payment in connection with placing a child or consenting to an adoptive placement.
- It is unlawful to compel or force by any means a person to place, sell, or relinquish any minor child.

Allowable Fees Charged by Department/Agency**Statute: § 25-6-4.2**

Charges approved by the court

Accounting of Expenses Required by Court

The Adoption Code does not require an accounting, but judges may, at their discretion, ask for one.

Tennessee**Birth Parent Expenses Allowed****Statute: § 36-1-109(a)(B)(1)**

- Reasonable charges or fees for hospital or medical services for the birth of the child
- Medical care or other reasonable birth-related expenses for the mother or child
- Reasonable counseling fees
- Reasonable legal fees
- Reasonable and actual expenses for housing, food, maternity clothing, child's clothing, utilities, or transportation for a reasonable period of time

Birth Parent Expenses Not Allowed**Statute: § 36-1-109(a)(B)(1)**

Payment of living expenses is not permitted beyond a reasonable period, not to exceed 90 days prior to the birth of the child or 30 days after the child's birth or surrender for adoption, without court approval.

Allowable Payments for Arranging Adoption**Statute: §§ 36-1-108(a), (b); 37-5-507**

- No person or entity, except the department, a licensed child-placing agency, or a licensed clinical social worker, may receive payment for the placement of children for adoption, as in the selection of prospective adoptive families or arranging the bringing together of children and families.
- Private individuals are forbidden to engage in placing children for adoption.

Allowable Payments for Relinquishing Child**Statute: § 36-1-109(a)(2)**

It is unlawful for any person to sell or surrender a child to another person for anything of value.

Allowable Fees Charged by Department/Agency**Statute: § 36-1-108(d)(2)**

- A licensed child-placing agency is permitted to charge reasonable fees for home studies, court reports, and other adoption-related services.
- The department shall maintain an informational database of fees charged by licensed agencies for home studies, placement services, counseling, and legal fees.
- The information is available to a prospective adoptive parent upon written request.

Accounting of Expenses Required by Court**Statute: § 36-1-116(b)(16)**

- The petition for adoption must disclose whether the petitioners have paid or promised to pay any remuneration in connection with the birth, placement, or adoption of the child.
- The disclosure must specifically include any attorney's fees, medical expenses, or agency fees that have been paid or been promised.

Texas**Birth Parent Expenses Allowed****Statute: Pen. § 25.08(b)**

- Legal and medical expenses in connection with the birth and pregnancy
- Adoptive counseling services
- Necessary pregnancy-related expenses paid by a child-placing agency, as permitted by department rules

Birth Parent Expenses Not Allowed**Statute: Pen. § 25.08(b)**

Any payments not expressly permitted

Allowable Payments for Arranging Adoption**Statute: Fam. § 162.025(a)**

A person who is not the parent, legal guardian, or a licensed child-placing agency may not receive payment for placing a child or serving as an intermediary between an adoptive and expectant parent.

Allowable Payments for Relinquishing Child**Statute: Pen. § 25.08(a)(2)**

It is unlawful to offer or accept a thing of value for the delivery of a child to another or possession of the child by another for the purposes of adoption.

Allowable Fees Charged by Department/Agency**Statute: Pen. § 25.08**

A licensed child-placing agency may charge a fee for services provided.

Accounting of Expenses Required by Court

The statutes do not specifically require that an accounting be given to the court.

Utah**Birth Parent Expenses Allowed****Statute: § 76-7-203**

- Actual and reasonable legal expenses
- Maternity expenses
- Related medical and hospital costs
- Necessary living expenses

Birth Parent Expenses Not Allowed**Statute: § 78-30-14.5**

Payments for adoption-related expenses may only be made in accordance with § 76-7-203.

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child**Statute: § 76-7-203**

It is unlawful to sell a child or to make payment to induce a mother to place a child or to consent to the adoption of her child.

Allowable Fees Charged by Department/Agency**Statute: § 78-30-14(3)**

The division shall charge the petitioner a reasonable fee for the services provided.

Accounting of Expenses Required by Court**Statute: § 78-30-15.5**

Prior to the entry of the final decree, an affidavit regarding fees and expenses, signed by the adoptive parents and the person or agency placing the child, shall be filed with the court. The affidavit shall itemize:

- All expenses paid, per § 76-7-203
 - Fees paid by the adoptive parent
 - All gifts, property, or other items that have been provided to the birth parents
 - All public funds used for any medical or hospital costs
 - A description of services provided
-

Vermont**Birth Parent Expenses Allowed****Statute: Tit. 15A, § 7-103(a)**

- Medical, hospital, pharmaceutical, nursing, or other similar costs
- Counseling services for a reasonable time before and after the child's placement
- Living expenses for the birth mother for a reasonable time
- Legal fees, court costs, and other administrative expenses
- Transportation for services provided
- Any other service or expense the court finds reasonable and necessary

Birth Parent Expenses Not Allowed**Statute: Tit. 15A, § 7-103(a)(4)**

Payments for living expenses may continue for no more than 6 weeks after the child's birth.

Allowable Payments for Arranging Adoption**Statute: Tit. 15-A, § 7-105**

A person may not offer or receive payment for:

- The placement of a child
- A consent to adoption
- The recruitment of nonresident pregnant women for the purpose of relinquishing their children

Allowable Payments for Relinquishing Child**Statute: Tit. 15A, § 7-103(b)-(c)**

- Payment may not be made contingent on relinquishing the child or giving consent to the adoption.
- No payment may be made directly to the parent without prior court approval.

Allowable Fees Charged by Department/Agency**Statute: Tit. 15-A, § 7-104**

An agency may accept fees for:

- Medical and living expenses for the birth parent
- Locating and providing counseling services
- Legal services or court costs
- Preparation of evaluations
- Transportation services
- Any other service or expense the court finds reasonable and necessary

Accounting of Expenses Required by Court**Statute: Tit. 15-A, § 3-702**

At least 10 days before the hearing:

- The petitioners shall file accounting of any payment or disbursement made or agreed to be made.
- The attorney for the petitioners shall file an affidavit itemizing any fees accepted for adoption-related services.
- If an agency or guardian placed the child for adoption, the agency or guardian shall file an affidavit itemizing all fees and expenses paid.

Virgin Islands**Birth Parent Expenses Allowed**

There are no express provisions that pertain to the payment of adoption related expenses.

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency

Not addressed in statutes reviewed

Accounting of Expenses Required by Court

The statutes do not require an accounting of expenses.

Virginia**Birth Parent Expenses Allowed****Statute: § 63.2-1218**

- Medical expenses and insurance premiums that are directly related to the birth mother's pregnancy and hospitalization
- Mental health counseling for the birth mother and birth father
- Reasonable and necessary expenses for food, clothing, and shelter when the birth mother is unable to work due to her pregnancy
- Reimbursement for expenses incurred incident to any court appearance, including but not limited to food, lodging, and transportation
- Fees for legal services
- Transportation to any of the services provided

Birth Parent Expenses Not Allowed**Statute: § 63.2-1218**

Fees determined to be in excess of usual or customary

Allowable Payments for Arranging Adoption**Statute: § 63.2-1218**

No person or agency shall charge or accept payment in connection with an adoption unless it is for a service that is specifically allowed by statute.

Allowable Payments for Relinquishing Child**Statute: § 63.2-1232(4)**

All parties must understand that no binding contract regarding placement or adoption of the child exists based on any financial agreement.

Allowable Fees Charged by Department/Agency**Statute: § 63.2-1248**

- Local departments of social services shall assess fees for home studies, investigations, visits, and reports.
- The fee charged shall not exceed the actual cost of the service.

Accounting of Expenses Required by Court**Statute: § 63.2-1232(4)**

Any financial agreements or exchange of property among the parties, and any fees paid or charged, must be disclosed to the court.

Washington**Birth Parent Expenses Allowed****Statute: § 9A.64.030(2)(f)**

- Prenatal, hospital, or medical expenses
- Attorney's fees and court costs

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child**Statute: § 9A.64.030(1)**

It is unlawful for any person to sell or purchase a minor child.

Allowable Fees Charged by Department/Agency**Statute: §§ 26.33.190(4); 26.33.200**

- A reasonable fee may be charged by an agency, the department, or a court approved person for preparation of the preplacement report.
- The fee may be reduced or waived if the person's financial condition so warrants.
- A fee may be charged for the postplacement report.

Accounting of Expenses Required by Court

The Adoption Code does not provide for an accounting, but judges may, at their discretion, ask for one.

West Virginia**Birth Parent Expenses Allowed****Statute: § 48-22-803(e)**

- Reasonable and customary legal, medical, hospital, or other expenses incurred in connection with the pregnancy, birth, and adoption proceedings
- Any other fees authorized by law or approved by the court

Birth Parent Expenses Not Allowed**Statute: § 48-22-803(e)**

Any fees not authorized by law or approved by the court

Allowable Payments for Arranging Adoption**Statute: § 48-22-803**

It is unlawful for any person or entity to offer, give, or agree to give payments for providing or procuring a child for the purpose of adoption.

Allowable Payments for Relinquishing Child**Statute: § 48-22-803**

It is unlawful for any person to accept payment for providing a child for the purpose of adoption.

Allowable Fees Charged by Department/Agency**Statute: § 48-22-803(e)**

The department or an authorized child-placing agency may charge fees for reasonable and customary services.

Accounting of Expenses Required by Court**Statute: § 48-22-803(f)**

At the final hearing, an affidavit of any fees and expenses paid or promised to be paid shall be submitted to the court.

Wisconsin**Birth Parent Expenses Allowed****Statute: § 48.913(1)**

- Preadoptive and postadoptive counseling for the birth parents or an alleged or presumed father
- Maternity clothes, not to exceed a reasonable amount
- Local transportation expenses
- Medical and hospital care received by the birth mother and the child
- Legal services
- Living expenses up to \$1,000 when necessary to protect the health and welfare of mother or fetus
- Birthing classes
- A gift to the mother, not to exceed \$50 in value

Birth Parent Expenses Not Allowed**Statute: § 48.913(1), (4)**

- Medical and hospital care does not include lost wages or living expenses while receiving medical care.
- Any payments other than those specifically authorized by statute are prohibited.

Allowable Payments for Arranging Adoption**Statute: § 948.24**

It is illegal for a person to offer anything of value to solicit, negotiate, or arrange the placement of a child for adoption, except under § 48.833.

Allowable Payments for Relinquishing Child**Statute: §§ 948.24; 48.837**

- It is unlawful to place or agree to place a child for anything other than the actual cost of the items authorized in § 48.913.
- Making any payment to a birth parent conditional upon the surrender of the child is considered coercion and grounds to dismiss the petition to adopt.

Allowable Fees Charged by Department/Agency**Statute: §§ 48.913(1); 48.838**

- Fees may be charged for services provided or investigations completed.
- The department may charge a fee of \$75 to review foreign adoption documents and provide the certification and approval required by State and Federal law.

Accounting of Expenses Required by Court**Statute: § 48.913(6), (7)**

A report shall be submitted to the court at the time of the hearing that provides a list of all transfers of value made or agreed to be made to the birth parents or any other person in connection with the adoption.

Wyoming**Birth Parent Expenses Allowed**

There are no express provisions that pertain to the payment of adoption related expenses.

Birth Parent Expenses Not Allowed

Not addressed in statutes reviewed

Allowable Payments for Arranging Adoption

Not addressed in statutes reviewed

Allowable Payments for Relinquishing Child

Not addressed in statutes reviewed

Allowable Fees Charged by Department/Agency

Not addressed in statutes reviewed

Accounting of Expenses Required by Court

The Adoption Code does not require an accounting of expenses to the court.
